



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Draft City Council

Tuesday, November 10, 2020

7:00 PM

Council Chambers / Virtual

1. Roll Call

Note: All Council Members were present via virtual Go-To Meeting.

Present: 5 - Mayor Deanna R. Reed, Vice-Mayor Sal Romero, Council Member Richard Baugh, Council Member Christopher B. Jones and Council Member George Hirschmann

Also Present: 3 - City Manager Eric Campbell, City Clerk Pam Ulmer and City Attorney Chris Brown

2. Invocation

Vice Mayor Romero offered the invocation.

3. Pledge of Allegiance

4. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion)

rb/gh

A Motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to approve the consent Agenda as presented.

Yes: 5 - Mayor Reed, Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 0

4.a. Minutes from the October 27, 2020 City Council meeting

The minutes were approved on the consent agenda

4.b. Consider a supplemental appropriation for the Children's Services Act (CSA) in the amount of \$188,337.56

This supplemental appropriation was approved on the second reading

5. Public Hearings

5.a. Consider a request to approve a proposed lease to Virginia Municipal Electric Association (VMEA) of approximately 9.920 acres of land for a solar power generation facility.

Chris Brown, city attorney, presented a resolution to authorize a lease on Acorn Drive for a solar facility to the Virginia Municipal Electric Association (VMEA), which is a consortium that HEC is a member of and buys its power through VMEA. He stated the ground lease is for an operation term of 25 years, at the cost of \$1.00 per year. He stated at the conclusion of the lease, VMEA will have to return the property to its original condition. He stated the second step is that VMEA will sublease the same property to Dominion, with the same terms and conditions, and a solar facility will be built which will generate electricity to be used in the city purchased by HEC.

Brian O'Dell, director of Harrisonburg Electric Commission (HEC), stated this is an exciting project for both the city and HEC. He stated solar energy has been the topic of conversation for quite some time, and this evening's request is a culmination of a collaboration and planning process that started in the first quarter of 2019. He stated HEC is proposing to purchase the output from the 1.4-megawatt solar farm. He stated the city is one of seven municipalities that make VMEA, but the city will be the sole beneficiary of the renewable energy generated from this facility. He stated this does not extend our power supply agreement with Dominion nor does it obligate us to extend it beyond May 2031. He stated the energy will be offered to HEC customers for the Community Solar Program (CSP) to be developed. He stated this will double the amount of solar generated energy in the city to 2.9 megawatts.

Council Member Baugh stated it is anticipated to have a way for HEC customers to opt into the solar power generated with environmental benefits.

Vice Mayor Romero asked how many residents are anticipated to be served by this project. Mr. O'Dell stated it depends on how the CSP is designed and how many kilowatts each customer decides to purchase. Vice Mayor Romero stated the premium may be a barrier for people to participate, and asked if there are ways to make this available to other people in the community that might not be able to afford the initial buy-in. Mr. O'Dell stated the details of the CSP are yet to be determined so he can't answer that question.

Council Member Jones stated there are programs that are set up to offset utility bills due to income or unexpected circumstances for those that need help. He stated with programs like this it is expected to pay more for this type of environmentally sustainable product.

Council Member Baugh stated this program isn't something that addresses every issue and is really targeted at members of the community who would be willing to pay a modest premium to buy their power that is solar generated. Further discussion took place regarding who would buy in and where this may lead.

Vice Mayor Romero stated he understands the need for this renewable energy, but we must also keep in mind that affordable housing should be considered in the use of any available land in the city.

At 7:20 p.m., Mayor Reed closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Tuesday, November 3, 2020 and Tuesday November 10, 2020.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:21 p.m., and the regular session reconvened.

Council Member Jones stated there are programs in existence to offset costs to energy bills and weatherization.

A motion was made by Council Member Baugh, seconded by Council Member Jones, to approve the resolution as presented. The motion carried with a recorded vote as follows:

Yes: 5 - Mayor Reed, Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 0

5.b. Consider a request from Rock Homes LLC to rezone 690 Pear Street

Agenda items 5b & 5c presented together:

Adam Fletcher, director of Community Development, presented a rezoning request from R-2C to R-8C and a special use permit to allow townhomes on a parcel located on 690 Pear Street. He reviewed the zoning of the area, land use for the area, the surrounding properties, and entrance requirements. He stated staff and Planning Commission recommend approval of both the rezoning and special use permit (7-0) with the following condition: All townhome units shall share one vehicular access to Bartlett Court.

Council Member Baugh asked if R-8 zoning is set at a maximum of 8 units. Mr. Fletcher confirmed.

At 7:35 p.m., Mayor Reed closed the regular session and called the second and third public hearing to order. A notice appeared in the Daily News-Record on Tuesday, October 27, 2020 and Monday, November 2, 2020.

Chris Fasching, Ott Street, asked if this would be zoned for more student housing.

At 7:38 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Baugh stated there is no such thing as student housing zoning, we may know ahead of time the use, but we only discuss the zoning, density, etc. Council Member Jones stated this is where affordable housing comes in. He stated

affordable housing is not just for the homeless, it is for those just starting out and the working class as well. Vice Mayor Romero stated this provides housing opportunities for people and spoke on the issues of the intersection of Erickson and Pear and how improvements will need to be made. Council Member Jones stated perhaps we start seeing more use of the Opportunity Zones in that area as well.

A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to approve the rezoning request as presented. The motion carried with a recorded vote as follows:

Yes: 5 - Mayor Reed, Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 0

- 5.c.** Consider a request from Rock Homes LLC for a special use permit to allow townhomes at 690 Pear Street

See 5b for minutes

A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to approve the special use permit request as presented. The motion carried with a recorded vote as follows:

Yes: 5 - Mayor Reed, Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 0

- 5.d.** Consider CDBG 2019-2020 Consolidated Annual Performance Evaluation Report (CAPER)

Ande Banks, deputy city manager, presented the Consolidated Annual Performance and Evaluation Report for the Community Development Block Grant (CDBG) Program. He provided the summary of the 2019-2020 CDBG projects including the grant amount and total reimbursement to date. He stated this presentation begins the 15-day public comment period, all comments are due by November 27, 2020 at 9:00 am and provided information on how comments can be made.

At 7:46 p.m., Mayor Reed closed the regular session and called the fourth public hearing to order. A notice appeared in the Daily News-Record on Monday, November 2, 2020.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:47 p.m., and the regular session reconvened.

No action required.

This Public Hearing - No Action was received and filed.

6. Regular Items

- 6.a.** Consider a refund for a portion of the 2020 Business, Professional and Occupational License (BPOL) tax for two businesses.

Chris Brown, city attorney, stated per section 58.1-3981 of the Code of Virginia, City Council approval of any refunds in excess of \$2,500 is required. He stated Taxpayer A sold their business but paid the entire year in advance. The taxes have been prorated for nine months and is entitled to a refund of \$4,285.02, however these taxes will be recouped from the new business owner. He stated Taxpayer B went out of business but paid the entire year in advance. He stated the taxes have been prorated for five months and are entitled to a refund of \$3,453.30.

A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to approve the refund requests as presented. The motion carried with a recorded vote as follows:

Yes: 5 - Mayor Reed, Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 0

- 6.b.** Discussion on the current Emergency Ordinance to suppress the spread of the Novel Coronavirus, SARS-COV-2, and the disease it causes, commonly referred to as COVID-19, - related to gatherings.

Chris Brown, city attorney, stated a few meetings ago Council requested this ordinance be reviewed again related to gathering numbers allowed for businesses and non-profit organizations. He provided information on recent activity, violations and complaints received in the city

Mayor Reed stated this ordinance needs to remain as is, our numbers are holding steady. Council Member Hirschmann and Council Member Baugh agreed. Vice Mayor Romero agreed and asked if anyone had heard any opposition to this ordinance as it stands now. Mr. Brown stated staff has received some questions but those asking the questions have been willing to comply. Further discussion took place regarding who has contacted Council members, but that most are understanding and willing to abide by the ordinance.

No action - Ordinance remains the same.

- 6.c.** Consider adopting an ordinance to pay a bonus to employees of the City of Harrisonburg in recognition of service during the COVID-19 Pandemic

Eric Campbell, city manager, stated 2020 has been a unique year for the city and especially the city employees who provide services on a day to day basis to our community. He stated since we established the emergency declaration, we still had to provide city services, our front-line workers continued to provide those services without protective gear etc. He stated after discussions with the director of Finance, he feels we are able to provide compensation for those employees that were on the front line over the past year, as city services never stopped. He stated he is

recommending Council approve providing bonuses as outlined in the resolution.

Council Member Hirschmann asked how many employees would receive these bonuses. Larry Propst, director of Finance, reviewed the specifications of bonuses and noted it covers approximately 750 employees. Council Member Jones asked if this hinders the Cost of Living Allowance (COLA) planned for January. Mr. Campbell stated at this point it is still being considered. Mayor Reed stated this is great, it will help many people for the holidays. Vice Mayor Romero stated this is well deserved for all of the employees who keep the city moving, hopefully this won't be a worry in the future, but perhaps in the future this can be reviewed differently to be more equitable.

A motion was made by Council Member Jones, seconded by Council Member Hirschmann, to adopt the resolution as presented. The motion carried with a recorded vote as follows:

Yes: 5 - Mayor Reed, Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 0

7. Special Event Application Requests

- 7.a. Consider the special event application request for the Church of Incarnation Sunday services through May 30, 2021.

Matt Little, recreations special events manager for the Parks and Recreation department, presented a special events application for the Church of Incarnation Sunday services at the parking lot at 268 N. Liberty Street, until May 30, 2021. He stated no support from city departments are needed.

Council Member Baugh stated we should continue to encourage owners of private parking spaces to share for these types of uses as well.

A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to approve the special event application as presented. The motion carried with a unanimous voice vote.

8. Supplementals

- 8.a. Consider a supplemental appropriation for the Harrisonburg City School (HCPS) division in the amount of \$1,122,135

Larry Propst, director of Finance, presented a supplemental appropriation on behalf of the Harrisonburg City Public Schools (HCPS) in the amount of \$1,122,135 of the CARES Act funds received for the HCPS.

A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to approve the request as presented. The motion carried with a recorded vote as follows:

Yes: 5 - Mayor Reed, Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 0

8.b. Consider a supplemental appropriation for the Emergency Communications Center (ECC) in the amount of \$700,000

Larry Propst, director of Finance, presented a supplemental appropriation for the Emergency Communications Center in the amount of \$700,000. He stated since the pandemic staff has had some experiences at the dispatch center and city/county staff have concluded that a fully functioning backup site is needed. He stated the city will contribute \$200,000, Rockingham County will contribute \$200,000 and the ECC will contribute \$300,000 from fund balance. He stated staff recommended approval.

A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to approve the request as presented. The motion carried with a recorded vote as follows:

Yes: 5 - Mayor Reed, Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 0

9. Other Matters

9.a. Comments from the public, limited to five minutes, on matters not on the regular agenda. (Name and address are required)

Pamayotis "Poti" Giannakaouros, congratulated to those who won the election. He stated the city attorney presented a proposal for an emergency shelter at a previous meeting, rationalizing it on the basis of Article 25 of the city charter. He stated if that can be done then he is wondering why Article 23 can't be used to abate cold tar parking sealant, which is shown to be a respiratory irritant which could be a complicating factor in COVID-19. He stated he has repeatedly asked for a breakdown of the salaries for city staff, and hopes it is something that he will receive soon. He spoke on nuisance ordinance enforcement and request information on the enforcement of tall grass and weed complaints for the year 2020.

James "Bucky" Berry, 30 W Washington St. stated he received his tax bill and was unhappy to notice there wasn't an extension to pay. He stated if bonuses can be given to city employees, something for the residents need to be done.

9.b. City Council and Staff

Vice Mayor Romero stated he is getting several communications from residents about the challenges of being able to pay taxes on time this year. He stated this is something Council spoke about before, but he feels this is something needed, and he would be in support of anything that will provide some relief for our residents. Mayor

Reed stated that Council Member Hirschmann brought this up at the last Council meeting and no one responded. She stated she doesn't want to lose the fact that Council is aware there are struggling families and we need to do what we can, but we are doing things: distributing CARES Act funding to help with rental assistance and utility assistance, for example. Council Member Hirschmann thought it was a good idea when he brought it up, he has talked to staff, but that could cause a constraint on the city. He stated he feels its worth another discussion to see what can be done.

Council Member Jones stated there is nothing worse than when someone receives a gift and then it gets down-played or when someone is recognized and then gets stepped on. He stated he doesn't want city employees who are receiving the bonus to feel now stepped on or part of a controversy. We need to applaud our employees for what they have done and continue to do for our residents. He stated we do need to figure out some sort of relief or a way to help residents but those are two separate issues.

Resolution in favor of Harrisonburg's transition to renewable energy by 2035

Council Member Baugh stated at the last Council Meeting he brought up a resolution regarding the transition to renewable energy by 2035. He stated he is now presenting it for Council's consideration. He described the basics behind the resolution.

A motion was made by Council Member Baugh, seconded by Council Member Jones, to adopt the resolution as presented. The motion carried with a unanimous voice vote.

9.b. City Council and Staff (continued)

Council Member Baugh stated it doesn't matter what rules are out there about a mask, wear one to protect others, lets look out for each other, wear your darn mask.

Council Member Hirschmann stated we really should have a conversation about the taxes. Mayor Reed stated if we are going to have one, we need to do it quickly.

Mayor Reed stated there are several vacancies on several different boards. She stated if you want to have a seat at the table start with our boards and commissions, it's the best way to get involved.

A motion was made by Council Member Baugh, seconded by Council Member Jones, to adopt the resolution as presented. The motion carried with a unanimous voice vote.

10. Closed Session

- 10.a.** Virginia Code Section 2.2-3711(A), Subsection 5 Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made.

At 8:37 p.m., a motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 5 Discussion concerning a prospective business or industry or the expansion of an existing business or

industry where no previous announcement has been made. The motion carried with a recorded roll call vote taken as follows:

At 9:13 p.m., the closed session ended, and the regular session reconvened. City Attorney Brown read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify that to the best of my knowledge (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37 of Title 2.2 of the Code, of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting by the City Council.

11. Adjournment

At 9:13 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR